

Licking County Transit Board

Americans with Disabilities Act Policy and Procedures

Introduction

No entity shall discriminate against an individual with a disability in connection with the provision of transportation service. (Section 37.5 of the Americans with Disabilities Act.)

Services and benefits provided by public entities are required by Title II of the American with Disabilities Act (ADA) to be offered in a way that does not discriminate against persons with disabilities. Regulations issued by the Title II implementing federal agencies further define what constitutes discrimination in the provision of services, including transportation, and describes actions required by public entities to ensure that service is non-discriminatory.

As a public transportation provider that is dedicated to providing service that complies with all federal, state and local requirements, the Licking County Transit Board (LCTB) has established the following procedures when implementing service for those citizens who are disabled. **Services provided by the LCTB do not discriminate against persons with disabilities.**

United States Department of Justice Regulations

In general, the United States Department of Justice regulations require those public entities such as the LCTB:

1. May not refuse to allow a person with a disability to participate in a service, program, or activity simply because the person has a disability.
2. Must provide programs and services in an integrated setting, unless separate or different measures are necessary to ensure equal opportunity. If separate programs are provided in order to ensure that benefits are equally effective, individuals with disabilities still have the right to choose to participate in the regular program.
3. Must eliminate unnecessary eligibility standards or rules that deny individuals with disabilities an equal opportunity to enjoy their services, programs, or activities unless these standards and rules are “necessary” for the provision of the service, program, or activity.
4. Are required to make reasonable modifications in policies, practices, and procedures that deny equal access to individuals with disabilities, unless a fundamental alteration in the program would result.
5. Must furnish auxiliary aids and services when necessary to ensure effective communication, unless an undue burden or fundamental alternation would result.
6. May provide special benefits, beyond those required by the regulations, to individuals with disabilities.
7. May not require an individual with a disability to accept a special accommodation or benefit if the individual chooses not to accept it.
8. May not place special charges on individuals with disabilities to cover the costs of measures necessary to ensure nondiscriminatory treatment, such as making modifications required for program accessibility or providing qualified interpreters.
9. Shall operate their programs so that, when viewed in their entirety, they are readily accessible to and usable by individuals with disabilities.

Equivalent Service Requirements

Services provided by the Licking County Transit Board will provide equivalent service to persons with disabilities in the most integrated setting appropriate to meet the needs of the individual and will be equivalent to service provided to other individuals in each of the following areas:

1. Schedules/headways (for fixed route services)
2. Response time (for demand responsive services)
3. Fares
4. Geographic area of service
5. Hours and days of service
6. Availability of information
7. Reservations capability (for demand responsive services)
8. Any constraints on capacity or service availability
9. Restrictions or priorities based on trip purpose (for demand responsive services)

Access to Information (49 CFR § 37.167(f))

The Licking County Transit Board shall make all printed materials available to the users of transportation services in accessible formats for persons with disabilities. Accessible formats are defined as any format that the requesting individual can actually make use of (such examples may be large print brochures, audiotapes, electronic, in-person, telephonic, etc.). A statement that the information is available in alternative formats will be included on all brochures and printed materials.

Public hearings will be held in accessible locations. In addition, public hearing notices will include the statement that any person requiring special accommodations should contact the General Manager at 740-670-5180.

Access to Communications (49 CFR §37.167(f))

Persons with speech and/or hearing impairments may call the Ohio Relay Service at 1-800-750-0750 to receive access to information that is available by telephone to the general public.

Employee Training (49 CFR §37.173)

The LCTB shall require the service provider to establish a training program for all ADA related transportation services that ensure that personnel are trained to proficiency, as appropriate to their duties, so that they operate vehicles and equipment safely and properly and treat individuals with disabilities who use the service in a respectful and courteous way, with appropriate attention to the differences among individuals with disabilities.

Equipment Maintenance (49 CFR §37.161)

Lifts, securement systems and other access-related equipment must be maintained in operating condition. If damaged or out of order, this equipment must be repaired promptly. When equipment is out of order, reasonable steps must be taken to accommodate riders who would otherwise use the equipment.

Maintenance of lifts (49 CFR §37.163)

The Licking County Transit Board is required by the FTA to institute regular and frequent maintenance checks of lifts. Bus operators are required to report lift failure as soon as possible.

Every effort must be made to repair lifts before the next day of service. If the lift cannot be repaired before the next day of service, the vehicle can be placed back in operation only if a spare is unavailable. Vehicles with inoperable lifts can be kept in service for no more than three days.

Drivers will test lifts and inspect securement systems during their pre-trip and post trip daily vehicle inspection. Lift and securement systems are also checked during the regular vehicle maintenance inspections. A repair history of each vehicle will be maintained.

The Licking County Transit Board maintenance department shall have an adequate supply of spare parts readily available to assure lifts and securement systems are repaired as soon as possible. An adequate ratio of spare vehicles should be maintained to assure a lift is available at all times.

Lift and Securement Use (49 CFR §37.165)

All wheelchairs and their users must be transported unless the wheelchair exceeds the vehicles' actual dimension and weight capacity. A listing of the Licking County Transit Board vehicles' capacities will be maintained and made available. This listing will not understate the actual dimensions and design load of the vehicles in the fleet. If a wheelchair or stretcher exceeds the weight limit and dimensions, the Licking County Transit Board and/or its service provider, may refuse service regardless of other qualifying functional limitations that the user may possess.

Wheelchairs are to be secured during transport following the four point tie down system. Vehicle operators are to assist passengers in the use of the lift, ramp, and securement systems.

Use of the securement system can be required as a condition of receiving service. Service cannot be denied on the grounds that a mobility device cannot be secured to the provider's satisfaction. The LCTB will make every effort to obtain state-of-the-art securement systems that accommodate all types of wheelchairs. For each wheelchair or mobility aid securement device provided, a passenger seat belt and shoulder harness (complying with all applicable provisions of part 571) shall also be provided for use by wheelchair or mobility aid users. Such seat belts and shoulder harnesses shall not be used in lieu of a device which secures the wheelchair or mobility aid itself.

Mobility aid users can only be required to use the restraint system if all other passengers on the vehicle are required to use a similar system. LCTB vehicles are equipped with seat belts for ambulatory passengers. Therefore, mobility aid users can be required to use a restraint system. A person who cannot enter a vehicle using the stairs but who does not use a wheelchair must be allowed to enter the vehicle using the lift.

Accommodating mobility aids and life support systems (49 CFR §37.167(d) & (h))

Passengers are permitted to travel with service animals trained to assist them. Service animals include guide dogs used by persons with vision or hearing impairments, and dogs and other animals that provide aid to persons with disabilities.

Passengers are permitted to travel with respirators, concentrators and portable oxygen. Travel with this equipment can only be denied if it would violate rules concerning the transportation of hazardous materials. The transport of common types of portable life support equipment is not

prohibited. Cylinders of oxygen used by passengers for health reasons are not subject to the Hazardous Materials Regulations.

Attendant policies/refusing service (49 CFR §37.5(e) & (h))

Personal care attendants (PCAs) will be permitted to accompany passengers and are not considered companions. On fixed route systems, a fare may be charged.

The Licking County Transit Board will not require that an individual travel with an attendant. If the LCTB or the service provider believes that a passenger could benefit from the aid of an attendant, this can be suggested. Service cannot be refused if the passenger wants to travel independently.

Service can only be refused if a passenger engages in “violent, seriously disruptive, or illegal conduct.” Seriously disruptive conduct does not include behavior or appearance that only offends, annoys, or inconveniences other passengers or employees. Seriously disruptive conduct does, however, include behavior that impedes the driver’s ability to provide safe service.

Service cannot be refused even if insurance companies’ condition coverage or sets rates based on policies that are contrary to the regulations.

Additional charges (49 CFR §37.5(d))

Special fares and charges, beyond those required of other riders, shall not be imposed upon persons with disabilities. For demand responsive service, a fee for stowing a wheelchair in the trunk will not be charged unless there is also a formal charge for stowing luggage and/or groceries.

Boarding/disembarking time (49 CFR §37.167(i))

Adequate time will be provided for persons with disabilities to board and disembark from all vehicles.

Announcing Stops (49 CFR §37.167(b))

Bus operators must announce stops at all transfer points, major intersections and destination points, and at intervals along a route which are sufficient to permit persons with vision impairments or other disabilities to be oriented to their location. Stops must also be announced at the request of passengers with disabilities.

Identifying vehicles and/or passengers (49 CFT §37.167(c))

At stops that service more than one route, the bus operator will announce the vehicle number and final destination to permit persons with vision impairments or other disabilities to identify the vehicle.

Upon the request of persons with disabilities, an identification card will be provided to the passenger to assist the operator to determine if the passenger is boarding the correct bus.

Permitting passengers to disembark (49 CFR §37.167(g))

Passengers who use the lift will be permitted to disembark at any stop unless one of the following conditions applies:

- ✓ The lift cannot be deployed
- ✓ The lift would be damaged if it is deployed; or
- ✓ Temporary conditions at the stop, not under the control of the Licking County Transit Board or the service provider, preclude the safe use of the stop by all passengers.

Priority seating policy

When an individual with a disability needs to sit in a seat or occupy a wheelchair securement area, the bus operator will ask the following persons to move in order to allow the individual with a disability to occupy the seat or securement area designated as priority seating for elderly and persons with disabilities:

- ✓ Individuals other than those with a disability or elderly persons
- ✓ Individuals sitting in a fold down or other moveable seat in a wheelchair securement location

Bus operators are not required to compel the persons to move. Bus operators cannot require passengers with disabilities to use these seats if they choose not to.

Additional charges

Special fares and charges, beyond those required of other riders, shall not be imposed upon persons with disabilities. For demand responsive service, a fee for stowing a wheelchair in the trunk will not be charged unless there is also a formal charge for stowing luggage and/or groceries.

ADA Complaint Process

In the event that any person who has tendered a fare for public transportation services provided through and under contract with the Licking County Transit Board (LCTB) has a complaint or dispute regarding the provision (or non-provision) of transportation services and/or believes himself/herself or any specific class of persons to be subjected to discrimination prohibited by Americans with Disabilities (ADA), shall contact the ADA Coordinator.

The ADA Coordinator shall communicate the LCTB ADA Policies and Procedures and complaint filing and resolution process with the complainant. All ADA complaints will be submitted via the LCTB Complaint Form and shall follow the LCTB Complaint Policy. LCTB personnel shall be trained to proficiency as appropriate to their duties inclusive of the ADA Policy and Procedures, LCTB Complaint Policy and how to properly fill out a LCTB Complaint Form. All changes to the ADA Policy and Procedures will be communicated to LCTB staff and Contractor Staff. The LCTB staff shall sign Acknowledgements that will be signed and kept in staff files. The LCTB third party contractor shall sign a Policy Distribution Acknowledgement.

The ADA Coordinator and all other LCTB staff shall follow the LCTB Customer Complaint Policy. The LCTB Customer Complaint Policy procedures incorporate the appropriate due process standards and provide for the prompt and equitable resolution of complaints alleging any action prohibited by CFR Parts 27, 37, 38 and 39. Alternative formats of the LCTB Customer Complaint Policy and response will be provided upon request (written, electronic, in-person, telephonic, etc.). ADA complaints will be investigated upon receipt and will include communications with all parties involved (i.e. the complainant, as well as pertinent operations

staff). If necessary, the complaint investigation will extend beyond in-person communication to include informational sources such as: Video recordings, telephone call recordings, paper and electronic written communications, system data, drivers manifests and interviews.

A summary of the ADA complaint and resolution is kept on file at the LCTB administration offices for a minimum of five (5) years and FTA Triennial Review, whichever is later.